

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

HERBERT E. KNUDSON,)
Plaintiff,)
vs.)
AMALGAMATED)
TRANSPORTATION UNION LOCAL)
1637; RICK VALERO,)
Defendants.)

Before the Court for consideration is Defendant's Motion to Dismiss (Doc. #21), filed on October 20, 2010, and Plaintiff's Motion for Writ of Execution (Doc. #24) filed November 3, 2010. The Court finds that Defendant's fully briefed Motion to Dismiss (Doc. #21) should be granted for the reasons set forth therein, and that Plaintiff's Motion for Writ of Execution (Doc. #24) should be denied.

Specifically, the Court finds Plaintiff's Complaint must be dismissed because it was not commenced within 90 days of obtaining the right-to-sue notice from the Equal Employment Opportunity Commission and is thus time-barred. Additionally, Plaintiff's Complaint fails to establish that ATU Local 1637 is a proper Defendant or that Defendant ATU Local 1637 violated rights secured to Plaintiff under the Constitution of the United States.

111

111

1 **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss
2 (Doc. #21) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Writ of
4 Execution (Doc. #24) is **DENIED**.

5
6 DATED: November 16, 2010.

7
8 
9 PHILIP M. PRO
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26